

3738

NOV 25 2003
PATENT & TRADEMARK OFFICE

**THIRD INFORMATION
DISCLOSURE STATEMENT**

Application #	10/018,402
Confirmation #	1151
Filing Date	June 12, 2002
First Inventor	MARNAY
Art Unit	3738
Examiner	
Docket #	P06794US00/MP

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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SIR:

This IDS is submitted herewith pursuant to 37 CFR. §1.97-1.98 and includes the following:

- ☒ A listing of the references on PTO-1449.
- ☒ A copy of references which have come to applicant's attention.
- Note: this application was filed or entered the national stage after June 30, 2003 so copies of the US patent(s) and/or published application(s) are not enclosed/required.
- A copy of a corresponding foreign Search Report which explains the relevance of the references noted therein.
- ☒ A separate explanation of relevance.

Please note the following particulars concerning the filing of this IDS:

- ☒ This IDS is filed **within three months** of the filing date of a national application other than a CPA, or within three months of the date of entry into the national stage as set forth in 37 CFR. §1.491 in an international application, or before the mailing date of a first Office Action on the merits, or before the mailing of a first Office Action after the filing of a request for continued examination, whichever event occurs last.

..... This IDS is filed **after a first action**, but before a final action, allowance, or any other action which closes prosecution, **and**:

..... is accompanied by a check in the amount of \$180.00 required by 37 CFR. §1.17(p).

or

..... I hereby state that each item of information contained in this IDS was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS.

..... I hereby state that no item of information in this IDS herewith was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 CFR. §1.56(c) more than 3 months prior to the filing of this IDS.

..... An appropriate statement is attached.

..... This IDS is filed **after** a final action or allowance, but on/before payment of the issue fee, and:
..... is accompanied by a check in the amount of \$180.00 required by 37 CFR. §1.17(p).

and

..... I hereby state that each item of information contained in this IDS was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS.

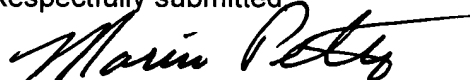
..... I hereby state that no item of information in this IDS herewith was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 CFR. §1.56(c) more than 3 months prior to the filing of this IDS.

..... An appropriate statement is attached.

..... This IDS is being filed pursuant to 37 CFR. §1.97(i), **for placement in the file.**

X If no check is enclosed and a fee is due in connection with this communication or if the check enclosed is insufficient, the Commissioner is authorized to charge any fee or additional fee due with this communication to Deposit Account No. 12-0555.

Respectfully submitted



Date: November 25, 2003

By: Marvin Petry

Registration No.: 22752

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**STATEMENT OF
RELEVANCE**

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S I R:

The Japanese Patent No. 2-261446 discloses a two part intervertebral implant which engages the adjacent vertebrae upon insertion into the intervertebral space.

Respectfully submitted,

LARSON & TAYLOR, PLC


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November 25, 2003

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Substitute for Form 1449A/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**Sheet 1 of 1

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U.S. PATENT DOCUMENTS

Exam. Initial*	Document No. Number - Kind	Publ. Date MM-DD-YYYY	Name Patentee or Applicant	Relevance Passages/Figs.
	US-			
	US-			
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FOREIGN PATENT DOCUMENTS

Exam. Initial*	DOCUMENT Country-Number-Kind	Publ. Date MM-DD-YYYY	Name Patentee or Applicant	Relevance Passages/Figs.	Trans- lation
	JP-2-261446	10-24-1990	Kawasaki Steel Corp.	RECEIVED RECEIVED JUN 02 2004 DEC 01 2003 TECHNOLOGY CENTER R3700 TECHNOLOGY CENTER R3700	Abstract

NON PATENT LITERATURE DOCUMENTS

Exam. Initial*	Include NAME of the author (in CAPS), Title of Article/Item, Date, Page(s), Volume-Issue No., Publisher, City and/or Country where published	Trans- lation

Examiner Signature

Date Considered

* Examiner: Initial if considered, whether or not citation is in conformance with MPEP §609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.